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**Technology, Energy &  
Communications Committee**

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**HB 2995**

**Brief Description:** Regarding the restoration and redevelopment of unfinished nuclear power project sites for the purposes of creating an electrical generating research and energy park.

**Sponsors:** Representatives Haler, Hailey, Ahern and Hankins.

**Brief Summary of Bill**

- Permits all or portions of an unfinished nuclear reactor site to be transferred to a political subdivision of the state for the purposes of creating an electrical generating research and energy park.

**Hearing Date:** 2/5/08

**Staff:** Scott Richards (786-7156).

**Background:**

The Energy Facility Site Evaluation Council (EFSEC) is the one-stop permitting and certifying authority for the siting of major energy facilities in Washington. Approved facilities are issued site certification agreements, which list the conditions for constructing and operating the projects. The EFSEC has regulations for amending and terminating site certification agreements.

The EFSEC does not have the authority to issue water right permits. It does, however, have the exclusive authority to specify the operational conditions of a project, which may include an authorization to use water.

In the 1970s, EFSEC certified five nuclear power projects owned by the Washington Public Power Supply System (Supply System), now called Energy Northwest. Two projects were located in Satsop and three in Hanford. Only one project was completed: WNP-2 in Hanford, later renamed the Columbia Generating Station.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 1996 the Legislature authorized the transfer of site restoration responsibilities for unfinished reactor sites from the Supply System to a political subdivision or subdivisions of the state. Two unfinished reactors located at the Satsop site in Grays Harbor County (WNP-3 and WNP-5) were subsequently transferred to a local public development district consisting of Grays Harbor County and Grays Harbor Public Utility District. In 2000 the Legislature extended authority to transfer site restoration responsibilities to unfinished nuclear power projects that are located on federal property.

Immediately upon release of all or a portion of the site, all responsibilities for maintaining the public welfare portions of the site are transferred to the political subdivision or subdivisions of the state. Surface water rights for the site may be transferred as well. The preferred method of transferring water rights is through use of existing statutes and administrative rules. If an administrative transfer is not possible, the Department of Ecology (DOE) must create a trust water right containing between 10 and 20 cubic feet per second for the benefit for the appropriate political subdivision or subdivisions of the state.

**Summary of Bill:**

If an EFSEC certificate holder of an unfinished nuclear power project transfers all or a portion of a site to an electrical generating research and energy park, EFSEC must amend the site certification agreement to release those portions of the site that are transferred.

If a site is transferred to an electrical generating research and energy park after January 1, 2005, the DOE must continue any EFSEC water authorization up to 15 cubic feet per second as requested by the recipient.

**Appropriation:** None.

**Fiscal Note:** Requested on February 4, 2008.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.